

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1076 & 1302
96TH GENERAL ASSEMBLY

4692L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 8, 442, and 640, RSMo, by adding thereto three new sections relating to energy.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 8, 442, and 640, RSMo, are amended by adding thereto three new sections, to be known as sections 8.307, 442.009, and 640.950, to read as follows:

8.307. 1. There is hereby established the "Capital Green Program". Such program shall provide funding to the state:

(1) For weatherization and energy efficiency improvements to the Missouri state capitol building and the governor's mansion; and

(2) For the exploration of potential pilot programs utilizing geothermal, wind, and solar energy resources and to install a network of environmentally friendly free-flow turbine generators in the Missouri river to provide electrical power for the Missouri state capitol building and the governor's mansion. Surplus energy, if generated, may be used to provide power to the Harry S Truman office building, the Missouri supreme court building, and the James C. Kirkpatrick state information center.

2. There is hereby created in the state treasury the "Capital Green Program Fund", which shall consist of money appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 treasurer shall invest moneys in the fund in the same manner as other funds are invested.
20 Any interest and moneys earned on such investments shall be credited to the fund.

21 3. Under section 23.253 of the Missouri sunset act:

22 (1) The provisions of the new program authorized under this section shall
23 automatically sunset six years after the effective date of this section unless reauthorized by
24 an act of the general assembly; and

25 (2) If such program is reauthorized, the program authorized under this section
26 shall automatically sunset twelve years after the effective date of the reauthorization of this
27 section; and

28 (3) This section shall terminate on September first of the calendar year immediately
29 following the calendar year in which the program authorized under this section is sunset.

442.009. 1. This section shall be known and may be cited as the "Homeowners'
2 Solar Rights Act".

3 2. As used in this section:

4 (1) "Solar collector" means:

5 (a) An assembly, structure, or design, including passive elements, used for
6 gathering, concentrating, or absorbing direct and indirect solar energy, specially designed
7 for holding a substantial amount of useful thermal energy and to transfer that energy to
8 a gas, solid, or liquid or to use that energy directly; or

9 (b) A mechanism that absorbs solar energy and converts it into electricity; or

10 (c) A mechanism or process used for gathering solar energy through wind or
11 thermal gradients; or

12 (d) A component used to transfer thermal energy to a gas, solid, or liquid, or to
13 convert it into electricity;

14 (2) "Solar energy" means radiant energy received from the sun at wave lengths
15 suitable for heat transfer, photosynthetic use, or photovoltaic use;

16 (3) "Solar energy system" means:

17 (a) A complete assembly, structure, or design of solar collector, or a solar storage
18 mechanism, which uses solar energy for generating electricity or for heating or cooling
19 gases, solids, liquids, or other materials; and

20 (b) The design, materials, or elements of a system and its maintenance, operation,
21 and labor components, and the necessary components, if any, of supplemental conventional
22 energy systems designed or constructed to interface with a solar energy system;

23 (4) "Solar storage mechanism" means equipment or elements (such as piping and
24 transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids,
25 liquids, or combinations thereof) that are utilized for storing solar energy, gathered by a
26 solar collector, for subsequent use.

27 **3. Notwithstanding any provision of this section or other provision of law, the**
28 **adoption of a bylaw or exercise of any power by the governing entity of a homeowners'**
29 **association, common interest community association, or condominium unit owners'**
30 **association which prohibits or has the effect of prohibiting the installation of a solar energy**
31 **system is expressly prohibited.**

32 **4. No deed restrictions, covenants, or similar binding agreements running with the**
33 **land shall prohibit or have the effect of prohibiting a solar energy system from being**
34 **installed on a building erected on a lot or parcel covered by the deed restrictions,**
35 **covenants, or binding agreements, if the building is subject to a homeowners' association,**
36 **common interest community association, or condominium unit owners' association. A**
37 **property owner may not be denied permission to install a solar energy system by any entity**
38 **granted the power or right in any deed restriction, covenant, or similar binding agreement**
39 **to approve, forbid, control, or direct alteration of property. However, for purposes of this**
40 **section, the entity may determine the specific location where a solar energy system may be**
41 **installed on the roof within an orientation to the south or within forty-five degrees east or**
42 **west of due south provided that the determination does not impair the effective operation**
43 **of the solar energy system. Each homeowners' association, common interest community**
44 **association, or condominium unit owners' association shall adopt an energy policy**
45 **statement regarding the location, design, and architectural requirements of solar energy**
46 **systems within one hundred twenty days after an association receives a request for a policy**
47 **statement or an application from an association member. An association shall disclose,**
48 **upon request, its energy policy statement and shall include the statement in its**
49 **homeowners' common interest community, or condominium unit owners' association**
50 **declaration.**

51 **5. A solar energy system shall meet applicable standards and requirements imposed**
52 **by state and local permitting authorities.**

53 **6. Whenever approval is required for the installation or use of a solar energy**
54 **system, the application for approval shall be processed by the appropriate approving entity**
55 **of the association within ninety days after the submission of the application. However, if**
56 **an application is submitted before an energy policy statement is adopted by an association,**
57 **the ninety-day period shall not begin to run until the date that the policy is adopted.**

58 **7. Any entity, other than a public entity, that willfully violates this section shall be**
59 **liable to the applicant for actual damages occasioned thereby and for any other**
60 **consequential damages. Any entity that complies with the requirements of this section**
61 **shall not be liable to any other resident or third party for such compliance.**

62 **8. In any litigation arising under this section, the prevailing party shall be entitled**
63 **to costs and reasonable attorney's fees.**

64 **9. This section shall not apply to any building which is greater than thirty feet in**
65 **height.**

640.950. 1. This section shall be known and may be cited as "The Renewable
2 **Energy Pilot Program for State Parks".**

3 **2. The department of natural resources shall, in consultation with the public service**
4 **commission, develop and implement a pilot program in which renewable energy technology**
5 **is used to operate a state park.**

6 **3. The commission shall retain authority to regulate the rates and cost recovery for**
7 **electric utilities under its jurisdiction that enter into a contractual agreement to provide**
8 **renewable energy resources for the department. The department may also contract with**
9 **those electric utilities that are unregulated by the commission.**

10 **4. The pilot program shall begin with the department's selection of a suitable state**
11 **park by August 28, 2013. The department shall set a goal of achieving the one hundred**
12 **percent use of renewable energy resources, as defined in section 393.1025, within the**
13 **boundaries of the park.**

14 **5. The pilot program shall involve the department's use of as many energy-efficient**
15 **products as possible within the boundaries of the park.**

16 **6. The department shall set a goal of completing such renewable energy pilot**
17 **program by August 28, 2018.**

18 **7. Beginning August 28, 2012, the department shall annually report to the general**
19 **assembly if the goal of this section has been met. If the goal provided in this section is not**
20 **achieved, then such report shall explain why such goal is not feasible at the current time**
21 **and develop alternative suggestions. If the goal in subsection 6 of this section is not met,**
22 **then such report shall continue indefinitely on an annual basis.**

23 **8. The department shall promulgate rules to implement the provisions of this**
24 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
25 **created under the authority delegated in this section shall become effective only if it**
26 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
27 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
28 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
29 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
30 **of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**
31 **invalid and void.**

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